

SECOND REGULAR SESSION
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 1049
96TH GENERAL ASSEMBLY

Reported from the Committee on General Laws, May 15, 2012, with recommendation that the Senate Committee Substitute do pass.

4128S.06C

TERRY L. SPIELER, Secretary.

AN ACT

To repeal section 160.775, RSMo, and to enact in lieu thereof one new section relating to school safety.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Section 160.775, RSMo, is repealed and one new section
2 enacted in lieu thereof, to be known as section 160.775, to read as follows:

160.775. 1. Every district shall adopt an antibullying policy by September
2 1, 2007.

3 2. "Bullying" means intimidation, or harassment that causes a reasonable
4 student to fear for his or her physical safety or property; **substantially**
5 **interferes with the educational performance, opportunities, or benefits**
6 **of any student without exception; or substantially disrupts the orderly**
7 **operation of the school.** Bullying may consist of physical actions, including
8 gestures, or oral, cyberbullying, electronic, or written communication, and any
9 threat of retaliation for reporting of such acts. **"Cyberbullying" is the**
10 **transmission of a communication, including, but not limited to, a**
11 **message, text, sound, or image by means of an electronic device,**
12 **including, but not limited to, a telephone, wireless telephone, or other**
13 **wireless communication device, computer, or pager.**

14 3. Each district's antibullying policy shall be founded on the assumption
15 that all students need a safe learning environment. Policies shall treat students
16 equally and shall not contain specific lists of protected classes of students who are
17 to receive special treatment. Policies may include age-appropriate differences for

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

18 schools based on the grade levels at the school. Each such policy shall contain
19 a statement of the consequences of bullying.

20 4. Each district's antibullying policy shall require, **at a minimum, the**
21 **following components:**

22 (1) **A statement prohibiting bullying as defined in subsection 2**
23 **of this section;**

24 (2) **A statement requiring** district employees, **and encouraging**
25 **district students,** to report any instance of bullying of which the employee or
26 **student** has firsthand knowledge[. The district policy shall address training of
27 employees in the requirements of the district policy.], **has observed, or has**
28 **been involved in. The policy shall be included in the student**
29 **handbook. The school district administration shall notify the parents**
30 **or legal guardians of the individual alleged in the report to be**
31 **responsible for the bullying incident and the parents or legal guardians**
32 **of the target of the bullying incident;**

33 (3) **A procedure for reporting an act of bullying, including a**
34 **provision that permits a person to report an act of discrimination,**
35 **harassment, intimidation, or bullying anonymously. However, this shall**
36 **not be construed to permit formal disciplinary action solely on the**
37 **basis of an anonymous report;**

38 (4) **A procedure for prompt investigation of reports of serious**
39 **violations and complaints, identifying either the principal or the**
40 **principal's certified staff designee as the person responsible for the**
41 **investigation;**

42 (5) **The range of ways in which a school could respond once an**
43 **incident of bullying is confirmed;**

44 (6) **A statement that prohibits reprisal or retaliation against any**
45 **person who reports an act of bullying and the potential consequence or**
46 **appropriate remedial action for a person who engages in reprisal or**
47 **retaliation;**

48 (7) **A statement of how the policy is to be publicized;**

49 (8) **A process for discussing the district's antibullying policy with**
50 **students and training school employees and volunteers who have**
51 **significant contact with students in the requirements of the policy,**
52 **including at a minimum the following statements:**

53 (a) **The policy shall be conspicuously posted throughout each**
54 **school building in areas accessible to students and staff members;**

55 (b) The school district annually shall provide information and
56 any appropriate training to the school district staff regarding the
57 policy;

58 (c) The school district shall give annual notice of the policy to
59 students, parents or guardians, and staff;

60 (d) The school district shall provide education and information
61 to students regarding bullying, including information regarding the
62 school district policy prohibiting bullying, the harmful effects of
63 bullying, and other applicable initiatives to prevent bullying;

64 (e) The administration of the school district shall implement
65 programs and other initiatives to prevent bullying, to respond to such
66 conduct in a manner that does not stigmatize the victim, and to make
67 resources or referrals available to victims of bullying;

68 (f) The policy shall be reviewed at least annually for compliance
69 with state and federal law.

70 5. Any student alleging to be the target of an incident of bullying
71 who has completed all procedures required by the district's reporting
72 policy and continues to be subjected to bullying shall be informed by
73 the district that he or she may seek other remedies. The information
74 may include but not be limited to informing the target or the target's
75 parents or legal guardians of the possibility of civil action against the
76 individual alleged to be responsible for the bullying and against the
77 parents or legal guardians of that individual. The target and his or her
78 parents shall also be informed that they may request intervention by
79 any other county, state, or federal agency or office that is empowered
80 to act on behalf of the target.

81 6. The state board of education is authorized to promulgate rules
82 and regulations to implement this section. Any rule or portion of a
83 rule, as that term is defined in section 536.010, that is created under
84 the authority delegated in this section shall become effective only if it
85 complies with and is subject to all of the provisions of chapter 536 and,
86 if applicable, section 536.028. This section and chapter 536 are
87 nonseverable and if any of the powers vested with the general assembly
88 pursuant to chapter 536 to review, to delay the effective date, or to
89 disapprove and annul a rule are subsequently held unconstitutional,
90 then the grant of rulemaking authority and any rule proposed or
91 adopted after August 28, 2012, shall be invalid and void.

92 7. Notwithstanding any provision of law to the contrary, no
93 district shall, unless otherwise required by federal law, adopt or
94 maintain any discrimination policy, anti-harassment policy, discipline
95 policy, or similar policy or guideline that does not treat students
96 equally or that contains specific lists of protected classes of students
97 who are to receive special treatment.

98 8. Any taxpayer of this state or any member of the general
99 assembly shall have standing to bring suit against any school district
100 which is in violation of this section in any court with jurisdiction to
101 enforce the provisions of this section.

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Bill

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